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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RENEE HOWARD, individually and as
parent of I.H., a minor, wrongful death heirs
of the deceased, TIMOTHY HOWARD,

Plaintiffs,

vs.

T-BROTHERS LOGISTICS, L.L.C., a South
Dakota corporation; T-BROTHERS
TRUCKING, L.L.C, a South Dakota
corporation; RUSH TRUCK CENTERS OF
NEVADA, INC., a Delaware Corporation,

Defendants.

CASE NO: 2:23-cv-01570-JAD DJA

T-BROTHERS LOGISTICS, L.L.C. a South
Dakota corporation; T-BROTHERS
TRUCKING, L.L.C, a South Dakota
corporation,

Third Party Plaintiffs

vs.

RND ENTERPRISES, INC., a South Dakota
corporation.

Third Party Defendant.

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(FOURTH REQUEST)**

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case by sixty (60) days. In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule.

SUMMARY

The parties herein are requesting the Court for an extension of 60 days of the discovery deadlines based on the following: On March 10, 2025, a First Amended Complaint For Declaratory Judgment was filed by Great West Casualty Company in United States District Court, District of Nevada, **Case No: 2:24- CV-02351**. The Amended Complaint For Declaratory Judgment is based on the allegations and claims being made in this case and names all of the parties, including Plaintiffs, in this case as defendants. The basis of the declaratory action stems from the allegations being made on a substantive, factual, basis in this instant case. A copy of the First Amended Complaint For Declaratory Judgment is attached as Exhibit 1. The undersigned accepted service on behalf of Renee Howard and the minor child on March 26th, 2025. The other parties have either been served or are in the process of being served.

There is significant potential that the Dec Action would impact discovery in this case. The Dec Action certainly impacts coverages, and possibly whether certain parties do or do not have coverage. However, the initial FRCP 26 meeting has not been held. The parties are seeking an additional 60 days of the deadlines in this case. In this manner, the parties herein can respond to the First Amended Complaint For Declaratory Judgment, conduct the initial FRCP 26 meeting and make a determination as to whether or not is appropriate to consolidate or make a motion to consolidate this case with the Dec Action.

Renee Howard the widow of the deceased and mother of the minor child Plaintiff is being deposed on April 4, 2025.

The Amended Complaint alleges the wrongful death of Timoth Howard. The Plaintiffs allege that Timothy Howard, while riding on his motorcycle to work, was decapitated as a result of running into the back of a parked trailer. Plaintiffs allege the trailer was parked illegally in front of defendant Rush's business facility where the deceased worked. Rush is a semi tractor trailer sales and repair facility in North Las Vegas. Plaintiffs alleged that an employee of Rush instructed

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1 a driver from T Brothers Trucking and or T Brothers Logistics to park the trailer out front of the
2 Rush facility, which was designated as a no parking zone.

3 The defendants each deny liability. Defendants also allege that the Plaintiffs are barred
4 from recovery because the deceased, Timothy Howard, was comparatively at fault for the accident
5 and that the comparative negligence exceeds any negligence on the part of the defendants, if any.
6 T Brothers Logistics and T Brothers Trucking brought in RND Enterprises as a third-party
7 defendant. RND Enterprises also denies all liability.
8

9 **PROCEDURAL HISTORY**

10 In support of this Stipulation and Order, the parties state as follows:

- 11 1. On October 11, 2023, Plaintiff filed her Complaint in the United States District
12 Court, District of Nevada.
- 13 2. On November 27, 2023, Defendant/Third Party Plaintiff T-Brothers Trucking,
14 L.L.C. filed its Answer and Third-Party Complaint.
- 15 3. On November 28, 2023, Defendant Rush Truck Centers of Nevada, Inc. filed its
16 Answer.
- 17 4. On January 5, 2024, Plaintiff served Initial FRCP 26 Disclosures.
- 18 5. On January 9, 2024, Defendants/Third Party Plaintiffs T-Brothers Logistics, L.L.C.
19 and T-Brothers Trucking L.L.C. served their Initial FRCP 26 Disclosures.
- 20 6. On January 17, 2024, Defendant Rush Truck Centers of Nevada, Inc. served its
21 Initial FRCP 26.1 Disclosures.
- 22 7. On January 24, 2024, the Court entered the Discovery Plan and Scheduling Order.
- 23 8. On February 28, 2024, Plaintiff propounded written discovery requests on Rush
24 Truck Centers of Nevada, Inc., T-Brothers Logistics, L.L.C., and T-Brothers
25 Trucking, L.L.C, each individually.
- 26 9. On April 2, 2024, Plaintiff served her First Supplement to Initial Disclosures.
- 27 10. On April 19, 2024, Plaintiff served her Second Supplement to Initial Disclosures.
28

- 1 11. On May 1, 2024, Third-Party Defendant RND Enterprises, Inc. filed its Answer to
2 Defendants/Third Party Plaintiffs T-Brothers Logistics, L.L.C. and T-Brothers
3 Trucking L.L.C.'s Third Party Complaint.
- 4 12. On June 24, 2024, Plaintiff served her Third Supplement to Initial Disclosures.
- 5 13. On June 25, 2024, Plaintiff served her Fourth Supplement to Initial Disclosures.
- 6 14. On June 26, 2024, Plaintiff served her Answers to T-Brothers' Interrogatories.
- 7 15. On June 26, 2024, Plaintiff, Renee Howard, as Parent of IH a Minor, served her
8 Answers to Interrogatories.
- 9 16. On June 26, 2024, Plaintiff served her Response to T-Brothers' Requests for
10 Production.
- 11 17. On July 1, 2024, Defendant Rush Truck Centers served their Responses to
12 Plaintiff's First Set of Interrogatories.
- 13 18. On July 1, 2024, Defendant Rush Truck Centers served their Responses to
14 Plaintiff's First Set of Requests for Production.
- 15 19. On July 29, 2024, Third-Party Defendant RND served its First Set of Interrogatories
16 to Defendant Rush Truck Centers.
- 17 20. On July 29, 2024, Third-Party Defendant RND served its First Set of Requests for
18 Production to Defendant Rush Truck Centers.
- 19 21. On July 29, 2024, Third-Party Defendant RND served its First Set of Interrogatories
20 to Defendant T-Brothers.
- 21 22. On July 29, 2024, Third-Party Defendant RND served its First Set of Requests for
22 Production on Defendant T-Brothers.
- 23 23. On November 13, 2024, Plaintiffs took the deposition of the PMK of Defendant
24 Rush Truck Centers of Nevada.
- 25 24. On November 13, 2024, Plaintiffs took the deposition of Mark Chowanec, General
26 Manager of Defendant Rush Truck Centers of Nevada.
- 27
28

25. On December 9, 2024, Plaintiffs took the deposition of the PMK of Defendant T Brothers.

26. As a result of the November 13, 2024, PMK Deposition of Rush Truck Centers of Nevada, there will be follow-up Rush employee depositions.

DISCOVERY REMAINING

1. Defendants/Third-Party Plaintiffs T-Brothers Logistics, L.L.C. and T-Brothers Trucking L.L.C will serve written discovery.

3. Defendant Rush Truck Centers of Nevada, Inc. will serve written discovery.

4. All parties will respond to written discovery that has been propounded upon them.

5. The Defendants will take the deposition of Plaintiff Rene Howard.

6. Plaintiff will depose the Defendants'/Third-Party Defendant's Rule 30(b)(6) designee(s), serve additional written discovery requests, and identify appropriate experts.

7. Defendants will collect any and all relevant medical and/or mental health records and/or billing related to the allegations contained in Plaintiff's Complaint.

8. Defendants/Third Party Defendant may depose Plaintiff's medical and/or mental health providers once able to collect any and all relevant medical and/or mental health records and billing.

9. The parties may depose any and all other witnesses identified through discovery.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the requested extension. This Request for an extension of time is not sought for to delay the proceedings or for any improper purpose.

The parties have conducted extensive discovery on this case Plaintiffs' counsel has taken

the deposition of the PMK of Rush Truck Centers of Nevada, the deposition of the General Manager of Rush Truck Centers of Nevada, and the deposition of the PMK of T Brothers Trucking on December 9, 2024, and anticipates probably four or five more liability depositions of percipient witnesses. Due to the severity of the subject incident, the materials and plethora of information and documents involved with this matter, and the timing of all named parties making their appearance in this matter, it is necessary for an extension of the discovery deadlines in order to allow each party a fair and just opportunity to obtain the information, analyze the information, and obtain experts as may be necessary in order to properly prosecute or defend this matter.

For those reasons, the parties respectfully request an extension of the discovery deadlines in this matter.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons and good cause for the extension. The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

<u>Scheduled Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Discovery Cut-off	June 3, 2025	August 4, 2025
Deadline to Amend Pleadings or Add Parties	March 3, 2025	
Expert Disclosure pursuant to FRCP 26	April 7, 2025	June 9, 2025
Rebuttal Disclosure pursuant to FRCP 26(a)(2)	May 7, 2025	July 9, 2025

Dispositive Motions	June 30, 2025	September 1, 2025
Joint Pretrial Order	July 15, 2025	August 15, 2025 If dispositive motions are pending, the parties will submit their Joint Pretrial Order within thirty (30) days of the Court's order as to any dispositive motions.

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WHEREFORE, the parties respectfully request this Court extend the discovery period by sixty (60) days from the current deadline of April 3, 2025, up to and including June 3, 2025, and extend the other dates as outlined in accordance with the table above.

IT IS SO STIPULATED.

DATED the 1st day of April 2025.

SCHUETZE, McGAHA, TURNER &
FERRIS PLLC

/s/William W. McGaha

WILLIAM W. McGAHA, ESQ.

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Attorney for Plaintiff

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Attorney for Defendants/Third Party

Plaintiffs T-Brothers Logistics, L.L.C. and

T-Brothers Trucking, L.L.C.

HAWKINS PARNELL & YOUNG, LLP

/s/Eric O. Freeman

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Attorney for RUSH TRUCK CENTERS OF
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LEWIS BRISBOIS BISGAARD
& SMITH, LLP

/s/Nathaniel T. Collins

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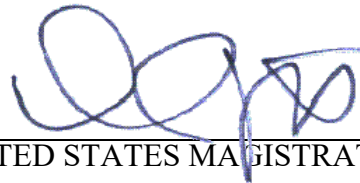
Attorneys for Third Party Defendant

RND ENTERPRISES, INC.

ORDER

IT IS SO ORDERED.

DATED this 2nd day of April, 2025.



UNITED STATES MAGISTRATE JUDGE

Donna Brand

From: Kevin Smith <ksmith@halljaffe.com>
Sent: Tuesday, April 1, 2025 3:21 PM
To: Donna Brand; Bill McGaha; Freeman, Eric; Collins, Nathaniel; Steve Jaffe
Cc: Marianne Sylva; Angelica Murillo; Lori-Anne Harrison
Subject: RE: Howard v. T-Brothers, et al. -SAO to Extend Discovery - 4th Request

Donna:

You have authority to sign for me electronically on behalf of T Brothers Trucking and T Brothers Logistics.
Thanks.

Kevin S. Smith, Esq.
Attorney



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ATTORNEYS AT LAW

7425 Peak Drive
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Phone: 702.316.4111
Email: ksmith@halljaffe.com

**** Please note that as of July 1, 2023 my email will be changing from ksmith@lawhjc.com to ksmith@halljaffe.com , please update your records****

From: Donna Brand <dbrand@smlvlaw.net>
Sent: Monday, March 31, 2025 4:31 PM
To: Bill McGaha <bmcgaha@smlvlaw.net>; Freeman, Eric <efreeman@hpylaw.com>; Kevin Smith <ksmith@halljaffe.com>; Collins, Nathaniel <Nathaniel.Collins@lewisbrisbois.com>; Steve Jaffe <sjaffe@halljaffe.com>
Subject: Howard v. T-Brothers, et al. -SAO to Extend Discovery - 4th Request

Attached is the draft SAO to Extend Deadlines – 4th Request. Please let us know if you require any changes or additions.

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From: Freeman, Eric <efreeman@hpylaw.com>
Sent: Tuesday, April 1, 2025 3:25 PM
To: Donna Brand; Bill McGaha; Kevin Smith; Collins, Nathaniel; sjaffe@halljaffe.com
Subject: RE: Howard v. T-Brothers, et al. -SAO to Extend Discovery - 4th Request

You can add my e-signature.

Eric O. Freeman, *Partner*
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Subject: RE: Howard v. T-Brothers, et al. -SAO to Extend Discovery - 4th Request

You may affix my e-signature as well on behalf of RND Enterprises.

Thank you.



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Donna:

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Kevin S. Smith, Esq.
Attorney



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